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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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JAN 17 2006

Federal Communications Commission
Office of Secretary

In the Matter of)
)
Section 63.71 Application of)
NETWORK TELEPHONE CORPORATION)

**APPLICATION TO
DISCONTINUE SERVICES IN THE MID-CITY
NEIGHBORHOOD OF NEW ORLEANS, LOUISIANA**

Network Telephone Corporation ("NTC") hereby seeks authorization pursuant to Section 214(a) of the Communications Act of 1934, as amended (the "Act"), 47 U.S.C. § 214, and Section 63.71 of the Commission's Rules, 47 C.F.R. § 63.71, to discontinue its provision of domestic telecommunications services – namely, intrastate and interstate voice and data services – to end users served by the Mid-City central office in New Orleans, Louisiana.

NTC is a facilities-based competitive local exchange carrier that serves over 16,500 small business customers in eight states in the Southeastern United States. NTC provides phone and internet services, including local and long distance telephone, high speed internet access, web hosting, data backup and VPN service. In this application, NTC seeks authorization to discontinue service to approximately 39 customers located in one area of New Orleans, Louisiana particularly devastated by Hurricane Katrina.¹ NTC will continue to offer web hosting, data backup and Remote Call Forwarding to customers affected by this discontinuance.

¹ NTC's services in other areas of its eight state territory are not affected by this notice.

Telephone numbers assigned to the affected customers will be reserved until August 29, 2006 and available for porting should a customer select an alternative provider prior to that date.

On August 29, 2005, Hurricane Katrina, a hurricane of unprecedented strength passed over Louisiana and Mississippi, causing extensive damage to homes, businesses, and facilities throughout the region and killing or injuring thousands. As has been well documented in the media, the City of New Orleans was particularly devastated by the winds, rain and subsequent flooding caused by Katrina. This flooding severely damaged BellSouth's network facilities and the central office in the Mid-City area that is the subject of this application. NTC also suffered damage to its equipment and facilities. Because of the extent of damage caused by Hurricane Katrina, there is no estimate for when service can be fully restored.²

After careful consideration of all available options, NTC has determined that it is not feasible for it to continue to serve customers from the Mid-City central office. Accordingly, NTC seeks authority to discontinue service to customers served by the Mid-City central office on or after February 24, 2006.

NTC notified affected customers of this discontinuance via first class mail, sent on January 6, 2006. NTC has verified with the U.S. Postal Service website that mail is being delivered to the zip codes of all customers affected by the discontinuance. In addition, the Company has posted a notice on its website notifying customers of the proposed discontinuance. There are approximately 39 customers that will be affected by this discontinuance.

Applicant provides the following information pursuant to Section 63.71 of the Commission's Rules:

² On its website, BellSouth maintains a matrix listing of the status of service in New Orleans. See <http://www.bellsouth.com/community/hurricane/pdfs/matrix.pdf>. A copy of that matrix, printed on Tuesday, January 17, 2006, is attached as Exhibit C.

1. Name and Address of the Carrier: Network Telephone Corporation, 3300 N. Pace Boulevard, Pensacola, FL 32505.

2. Date of Planned Service Discontinuance, Reduction or Impairment: NTC plans to discontinue service to the affected customers above as of February 24, 2006. NTC understands that this application will be automatically granted on the 31st day after public notice of filing unless the Commission notifies the NTC to the contrary.

3. Points of Geographic Areas of Service Affected: NTC will discontinue the provision of the services listed below to all NTC customers served by the Mid-City central office in New Orleans, Louisiana. This notice affects service to customers with the following NPA-NXX combinations: 504-260, 504-482, 504-483, 504-484, 504-485, 504-486, 504-488 and 504-520.

4. Brief Description of Type of Service Affected: NTC intends to discontinue the provision voice local and long distance services and data services in the Mid-City central office only. NTC will continue to provide web hosting, data backup and Remote Call Forwarding to customers served by the Mid-City central office, however. NTC's services in other areas of its eight state service territory are not affected by this notice.

5. Brief Description of the Dates and Methods of Notice to All Affected Customers: To the best of the Company's knowledge, all but two of the affected customers served by the Mid-City central office have been out of service since Hurricane Katrina. Applicant provided written customer notice of the planned discontinuance in accordance with the requirements of Section 63.71(a) of the Commission's Rules by notice dated January 6, 2006. Notice was sent by first class mail to the affected customers. A copy of the notice is appended hereto as *Exhibit A*. NTC has verified that the U.S. Postal Service is delivering mail to the

affected zip codes. In addition, NTC notified customers on November 1, 2005 that NTC's facilities were severely disrupted in the central office. NTC asked customers to contact the company to discuss their service needs, including whether the customer would desire Remote Call Forwarding of the number. NTC has been working to accommodate those customers who responded to the November 1, 2005 Notice.³ To date, two customers served by the Mid-City central office contacting NTC, and the Company is working with these customers to transition service to an alternative provider. NTC has no record of any other customers contacting NTC to request the reinstatement of service.

Finally, effective January 10, 2006, NTC placed a notice on its website linking customers to the January 6, 2006 Notice. This link is viewable at www.networktelephone.net.

6. Whether the Carrier is Considered Dominant or Non-dominant with Respect to the Service to be Discontinued, Reduced or Impaired: NTC is a non-dominant carrier with respect to the affected services.

³ A copy of the November 1, 2005 Notice is attached as Exhibit B.

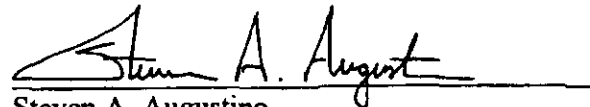
In accordance with Section 63.71 of the Commission's Rules, a copy of this Application is being mailed to the Governor and public services commission of the State of Louisiana, and to the Special Assistant for Telecommunications for the Secretary of Defense, concurrently with the filing of this application.

Additional questions regarding this application may be addressed to the undersigned.

Respectfully submitted,

NETWORK TELEPHONE CORPORATION

By:

A handwritten signature in black ink, appearing to read "Steven A. Augustino", is written over a horizontal line.

Steven A. Augustino
KELLEY DRYE & WARREN LLP
1200 19th Street, NW
Suite 500
Washington, D.C. 20036
(202) 955-9600

Dated: January 17, 2006

EXHIBIT A

CUSTOMER NOTICE



January 6, 2006

«CustomerName»
«Address1» «Address2»
«City», «State» «ZIP»

Re: IMPORTANT INFORMATION CONCERNING YOUR NETWORK TELEPHONE SERVICE

Dear Network Telephone Customer:

Hurricane Katrina impacted New Orleans residents in a variety of ways. In addition to destroying homes and businesses, the city's infrastructure was also severely compromised. The telecommunications infrastructure was no exception, and the facilities used to provide your service sustained significant damage. Because of the extent of the damage Katrina caused to these facilities, there is no estimate for when service can be fully restored.

As a result, Network Telephone will no longer provide voice and data services to you after February 24, 2006. We encourage you to select an alternative provider prior to this date. Network Telephone will work with your new provider of choice to smoothly transition your services to another carrier. If we do not receive a request to change service providers, we will assume you no longer need service at your existing location. However, your numbers will be reserved until August 29, 2006 and available to you should you decide to switch to another service provider prior to that date.

The FCC will normally authorize this proposed discontinuance of service, unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments within 15 days after receipt of this notification. Address them to the Federal Communications Commission, Washington DC 20554 referencing the 63.71 Application of Network Telephone. Comments should include specific information about the impact of this proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service.

If you have a web hosting product, data backup or Remote Call Forwarding, those services will remain active and will be billed at the appropriate a la carte rates. If you would like to discontinue those services or have other questions, please contact Customer Service at 888-432-4855.

Sincerely,

Leo J. Cyr
President & CEO

3300 N Pace Blvd • Pensacola, Florida 32505 • Phone 850-432-4855 • www.networktelephone.net

DC03 AUGUS 242819.1

EXHIBIT B

**NOVEMBER 1, 2005
CUSTOMER NOTICE**



November 1, 2005

Customer Name
Customer Address
City, State ZIP

Dear Mr./Ms. Customer Name:

In light of the severe damage caused by Hurricane Katrina, I understand that you may not have had the opportunity to focus on your business' telecommunications and data services. In an effort to determine what you would like to do with those services, Network Telephone has made several attempts to reach you by phone and email. In addition, Network Telephone technicians have attempted to visit your location to determine your level of damage.

To help you avoid any further cost, Network Telephone will disconnect your voice and data circuit within two weeks, if you have not contacted us to discuss your service, to request call forwarding or to transfer your service to another location. A message stating "this number is not in service at this time" will be placed on your telephone numbers. Your numbers will be reserved for a *minimum of 12 months*. When you are able to return to your business, please contact us to discuss service restoration options.

If you have a web hosting product, data backup or other ancillary services, those services will remain active and they will be billed at the a la carte rates. If you would like to discontinue those services or have other questions, please contact Customer Service at 888-432-4855.

Sincerely,

Leo J. Cyr
President & CEO

EXHIBIT C

BELLSOUTH MATRIX

Lake Catherine	Orleans	Lake Catherine (504) 662-xxxx	Installation Open-Ended Appts Repair Open-Ended Appts	Severe network facility damage in the area, network infrastructure rebuild is underway based on repopulation activity. Pending out of service reports are now being addressed and will be updated with revised target dates to restore service.
Treme/Lafitte Tulane/Gravier B.W. Cooper Broadmoor Northwest Central City Southwest Gert Town Southeast Mid City	Orleans	Broadmoor (504) 82x-xxxx	Installation Open-Ended Appts Repair Open-Ended Appts	Severe network facility damage in these areas due to flooding. Where facility conditions permit and where immediate needs are being presented, an interim serving solution is currently being developed providing service to some neighborhoods. Wireless broadband service available throughout the area; please call 877-241-5490 to verify coverage. Permanent infrastructure rebuild planning is underway in coordination with local government repopulation plans.
Audubon (Black) Pearl East Carrollton Leonides Marlyville / Fontainebleau South Holly Grove	Orleans	Carrollton (504) 86x-xxxx, (504) 314-xxxx	Individual Appointment times may vary but are generally: Installation in 3 Days or less Repair in 1 Day or less	Network is operating normally for most customers except for portions of neighborhoods where cable repairs are underway. Wireless broadband service available in some locations; please call 877-241-5490 to verify coverage. Customers without service are encouraged to report outages at www.bellsouth.com/repair or those wishing to call in may request repair services in English or Spanish by calling: 1.877.737.2478 for residential lines; 1.866.620.6900 for business lines; 1.888.341.2355 for hearing impaired customers (TTY).
Desire St Roch Seventh Ward Marigny St Claude Florida Area Lower 9th Ward Holy Cross Fairgrounds South Gentilly Terrace Southeast Dillard Bywater	Orleans	Franklin (504) 94x-xxxx	Installation Open-Ended Appts Repair Open Ended Appts	Severe network facility damage in these areas due to flooding. Some areas in Marigny and Bywater have service. Wireless broadband service available in some locations; please call 877-241-5490 to verify coverage. Where repopulation is presently taking place, and where facility conditions permit, an interim solution will be available within 4 - 6 weeks. Permanent infrastructure rebuild planning is underway in coordination with local government repopulation plans.

Lakeshore & Lake Vista Lake Terrace & Lake Oaks Filmore St. Anthony Milne Pontchartrain Park Gentilly (Woods & Terrace) Dillard St. Bernard area Northern Lakeview Northern West End Northern City Park	Orleans	Lake (504) 28x-xxxx, (504) 816-xxxx	Installation Open-Ended Appts Repair Open Ended Appts	Severe network facility damage in these areas due to flooding. Where repopulation is presently taking place, and where facility conditions permit, an interim solution to serve some customers along the lake will be available within 4 to 6 weeks. Permanent network infrastructure rebuild planning is underway for other neighborhoods in coordination with local government repopulation plans.
Central Business District & Central City Tulane/Gravier B.W. Cooper French Quarter Iberville Lower Garden District St. Thomas Development	Orleans	New Orleans Main (504) 5xx-xxxx, (504) 266-xxxx, (504) 299-xxxx, (504) 31x-xxxx, (504) 41x-xxxx, (504) 6xx-xxxx, except 662, 682, and 676	Individual Appointment times may vary but are generally: Installation in 3 Days or less Repair in 1 Day or less	Network is operating normally for most customers except for isolated areas where cable repairs may be underway. Wireless broadband service available throughout the area; please call 877-241-5490 to verify coverage. Customers without service are encouraged to report outages at www.bellsouth.com/repair or those wishing to call in may request repair services in English or Spanish by calling: 1.877.737.2478 for residential lines; 1.866.620.6900 for business lines; 1.888.341.2355 for hearing impaired customers (TTY).
Gert Town Mid City Holly Grove Bayou St John Lakewood Navarre Dixon Southern West End & Lakeview	Orleans	Mid City (504) 48x-xxxx	Installation Open-Ended Appts Repair Open-Ended Appts	Severe network facility damage in these areas due to flooding. Some areas currently have service. Wireless broadband service available in some locations; please call 877-241-5490 to verify coverage. Where facility conditions permit, an interim solution will be available to serve some neighborhoods within 4 - 6 weeks. Permanent infrastructure rebuild planning is underway in coordination with local government repopulation plans.

Michoud	Orleans	Michoud (504) 25x-xxxx, (504) 426-xxxx	Individual Appointment times may vary but are generally: Installation in 3 Days or less Repair in 1 Day or less	Network is operating normally for most customers except for isolated areas where cable repairs may be underway. Customers without service are encouraged to report outages at www.bellsouth.com/repair or those wishing to call in may request repair services in English or Spanish by calling: 1.877.737.2478 for residential lines; 1.866.620.6900 for business lines; 1.888.341.2355 for hearing impaired customers (TTY).
Garden District Irish Channel East and West Riverside Touro Freret Milan Uptown Audubon	Orleans	St Charles (504) 89x-xxxx, (504) 269-xxxx	Individual Appointment times may vary but are generally: Installation in 3 Days or less Repair in 1 Day or less	Network is operating normally for most customers except for isolated areas where cable repairs may be underway. Wireless broadband service available in some locations; please call 877-241-5490 to verify coverage. Customers without service are encouraged to report outages at www.bellsouth.com/repair or those wishing to call in may request repair services in English or Spanish by calling: 1.877.737.2478 for residential lines; 1.866.620.6900 for business lines; 1.888.341.2355 for hearing impaired customers (TTY).
Read Blvd East & West Little Woods West Lake Forest Plum Orchard Pines Village	Orleans	Seabrook (504) 24x-xxxx	Installation Open-Ended Appts Repair Open-Ended Appts	Severe network facility damage in these areas due to flooding. In some areas facilities have been repaired and service is available. Where network conditions permit, an interim solution will be available to serve some neighborhoods within 4 - 6 weeks. Permanent network infrastructure rebuild planning is underway in coordination with local government repopulation plans.
Pt-a-la-Hache	Plaquemines	Pt-a-la-Hache (504) 333-xxxx	Installation Open-Ended Appts Repair Open-Ended Appts	Severe network facility damage in the area, network infrastructure rebuild is underway based on repopulation activity. Pending out of service reports are now being addressed and will be updated with revised target dates to restore service.

Delacroix	St Bernard	Delacroix (504) 684-xxxx	Installation Open-Ended Appts Repair Open-Ended Appts	Severe network facility damage in the area, network infrastructure rebuild is underway based on repopulation activity. Pending out of service reports are now being addressed and will be updated with revised target dates to restore service.
Chalmette	St Bernard	Chalmette (504) 27x-xxxx, (504) 281-xxxx	Installation Open-Ended Appts Repair Open-Ended Appts	Severe network facility damage in these areas due to flooding. Where facility conditions permit, an interim solution will be available to serve some neighborhoods in within 4 - 6 weeks. Permanent infrastructure rebuild planning is underway in coordination with local government repopulation plans.
St Bernard	St Bernard	St Bernard (504) 682-xxxx	Installation Open-Ended Appts Repair Open-Ended Appts	Severe network facility damage in the area, network infrastructure rebuild is underway based on repopulation activity. Pending out of service reports are now being addressed and will be updated with revised target dates to restore service.
Yscloskey	St Bernard	Yscloskey (504) 676-xxxx	Installation Open-Ended Appts Repair Open-Ended Appts	Severe network facility damage in the area, network infrastructure rebuild is underway based on repopulation activity. Pending out of service reports are now being addressed and will be updated with revised target dates to restore service.
Aurora Algiers Point US Naval Base Whitney McDonough Behrman Tall Timbers	Orleans & Jefferson	Riverside	Individual Appointment times may vary but are generally: Installation in 3 Days or less Repair in 1 Day or less	Network is operating normally for most customers except for isolated areas where cable repairs may be underway. Wireless broadband service available in some locations; please call 877-241-5490 to verify coverage. Customers without service are encouraged to report outages at www.bellsouth.com/repair or those wishing to call in may request repair services in English or Spanish by calling: 1.877.737.2478 for residential lines; 1.866.620.6900 for business lines; 1.888.341.2355 for hearing impaired customers (TTY).

Aurora Tall Timbers	Orleans	Aurora	Individual Appointment times may vary but are generally: Installation in 3 Days or less Repair in 1 Day or less	Network is operating normally for most customers except for isolated areas where cable repairs may be underway. Customers without service are encouraged to report outages at www.bellsouth.com/repair or those wishing to call in may request repair services in English or Spanish by calling: 1.877.737.2478 for residential lines; 1.866.620.6900 for business lines; 1.888.341.2355 for hearing impaired customers (TTY).
Port Sulphur	Plaquemines	Port Sulphur	Installation Open-Ended Appts Repair Open-Ended Appts	Severe network facility damage in the area, network infrastructure rebuild is underway based on repopulation activity. Pending out of service reports are now being addressed and will be updated with revised target dates to restore service.
Buras	Plaquemines	Buras	Installation Open-Ended Appts Repair Open-Ended Appts	Severe network facility damage in the area, network infrastructure rebuild is underway based on repopulation activity. Pending out of service reports are now being addressed and will be updated with revised target dates to restore service.

CERTIFICATE OF SERVICE

I, Theresa Baum, hereby certify that a true and correct copy of the foregoing
Section 63.71 Application of Network Telephone Corporation, was served this 17th day of
January, 2006, by first-class mail, postage prepaid, upon the following persons:

Secretary of Defense
1000 Defense Pentagon
Washington, D.C. 20301-1000

Attention: Special Assistant for Telecommunications

The Honorable Kathleen Babineaux Blanco
Governor
State of Louisiana
State Capitol
P. O. Box 94004
Baton Rouge, LA 70804-9004

Mr. Lawrence C. St. Blanc
Executive Secretary
Louisiana Public Service Commission
P. O. Box 91154
Baton Rouge, LA 70821-9154



Theresa Baum

January 23, 2006

Rebecca Miller
National E-rate Program Manager
Missouri Research and
Education Network
University of Missouri
3212A LeMone Industrial Blvd.
Columbia, MO 65201

Dear Ms. Miller:

We received an inquiry from the office of Congressman Kenny C. Hulshof regarding an appeal to the Commission from the Missouri Research and Education Network (MOREnet). The correspondence from the Congressman included a copy of your eight-page appeal, which refers to several extensive exhibits. We have records indicating that a package from MOREnet was received by the Commission on August 24, 2005, and processed by the Commission's mailroom. Unfortunately, we have been unable to locate the appeal itself or the exhibits.

I apologize for this unfortunate turn of events, but have directed staff to work with you to ensure that the appeal is properly filed so that we can begin to consider it. Please contact _____ at our staff so that we can remedy the situation at (202) 418-_____ or _____@fcc.gov.

Sincerely,

Narda M. Jones
Chief
Telecommunications Access Policy Division
Wireline Competition Bureau